

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CIVIL NO. 98-1664 (CCC)
)	CIVIL NO. 98-2344 (CCC)
vs.)	Consolidated Cases
)	
33.92536 ACRES OF LAND, MORE)	
OR LESS, SITUATED IN VEGA BAJA,)	
COMMONWEALTH OF PUERTO RICO,)	
AND JUAN PIZA BLONDET, AND)	
UNKNOWN OWNERS)	
)	
Defendants.)	

**JOINT MOTION TO VACATE SETTLEMENT CONFERENCE AND SET
TELEPHONIC STATUS CONFERENCE**

Plaintiff United States of America (“Plaintiff” or the “Government”) and Defendant Juan Piza-Blondet (“Defendant”), respectfully submit this Joint Motion to Vacate Settlement Conference and Set Telephonic Status Conference. There being good cause for this motion, the parties state as follows:

1. Although discovery has now closed, the parties continue to work in an amicable manner to exchange written discovery materials in compliance with outstanding discovery requests made before the close of discovery.

2. The parties have agreed to leave discovery open for the single purpose of obtaining a wetlands jurisdictional determination (“JD”) that will be submitted to the Army Corps of Engineers for approval. The parties have jointly retained an environmental consultant to prepare the JD, which the parties anticipate will be completed within four to six weeks.

3. There is a settlement conference in this case set for May 24, 2006.

4. The United States soon intends to file a motion to limit the testimony of

Defendants' experts based on the contents of their Rule 26(a)(2) expert reports and statements made during their depositions held the week of April 3, 2006. The United States has not yet been able to file its motion because it has not yet received copies of the deposition transcripts, and because the United States is still awaiting Defendants' responses to several outstanding discovery requests regarding their experts. The court reporter has assured counsel for the United States that copies of the deposition transcript will be completed and delivered no later than May 5, 2006. Defendants' responses to the outstanding discovery requests regarding their experts are due on or before May 16, 2006. Assuming these deadlines are met, the United States anticipates filing its motion to limit the testimony of Defendants' experts on or before May 24, 2006.

5. The United States contends that resolution of its impending motion to limit the testimony of Defendants' experts will have a direct impact on the parties' positions in settlement discussions.

6. Because the United States' impending motion will not be fully briefed by both sides prior to May 24, 2006, and because the JD will not yet be completed by that time, the parties suggest that the settlement conference set for that date be converted to a telephonic status conference.

7. Counsel for both parties have agreed to jointly sign and submit this motion, which will be electronically filed by the United States.

Respectfully submitted,

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JUAN PIZA-BLONDET

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2006, a true and correct copy of the foregoing Plaintiff's First Request for Production was served via email and electronic filing addressed to:

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/s Jeffrey M. Tapick

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ORDER

IT IS HEREBY ORDERED, that the Settlement Conference set for May 24, 2006 is hereby
VACATED.

IT IS FURTHER ORDERED, that a telephonic status conference be set for May 24, 2006 at
_____ a.m./p.m.

San Juan, Puerto Rico this _____ day of _____ 200__.

DISTRICT JUDGE